

26036. Cocoa powder. (F.D.C. No. 43534. S. No. 58-177 P.)

QUANTITY: 75 bags at Brooklyn, N.Y.

SHIPPED: Prior to 8-17-58, from outside the United States.

LABEL IN PART: "Natural Process Danish Low Fat Cocoa Powder 88.184 Lbs. Net Product of Denmark Compex Corp. New York, N.Y. Dansk Boston."

RESULTS OF INVESTIGATION: Examination showed that the article was cocoa powder containing in excess of 30 percent shell by weight.

LIBELED: 9-18-59, E. Dist. N.Y.

CHARGE: 403(g) (1)—when shipped, the article failed to conform to the definition and standard of identity prescribed for low-fat cocoa in that it was not prepared from cacao nibs having a cacao shell content of not more than 1.75 percent by weight, but was prepared from cacao nibs having a cacao shell content of more than 1.75 percent by weight.

DISPOSITION: 12-3-59. Default—destruction.

26037. Cocoa powder. (F.D.C. No. 43529. S. No. 57-989 P.)

QUANTITY: 39 90-lb. bags at Bronx, N.Y.

SHIPPED: 4-20-59, from Boston, Mass., by J. F. Braun & Sons.

LABEL IN PART: "JFB Dansk Boston."

RESULTS OF INVESTIGATION: Examination showed that the article was cocoa powder containing in excess of 20 percent shell by weight.

LIBELED: 9-23-59, S. Dist. N.Y.

CHARGE: 403(g) (1)—when shipped, the article failed to conform to the definition and standard of identity for low-fat cocoa in that it was not prepared from cacao nibs having a cacao shell content of not more than 1.75 percent by weight, but was prepared from cacao nibs having a cacao shell content of more than 1.75 percent by weight.

DISPOSITION: 12-8-59. Consent—claimed by J. F. Braun & Sons, New York, N.Y., and exported to the original supplier in Denmark.

CONFECTIONERY**26038. Candy.** (F.D.C. No. 43575. S. Nos. 73-858 P, 73-860/1 P.)

QUANTITY: 148 cases, 24 10-oz. bags each, and 196 cases, 24 8-oz. bags each, at Jefferson Parish, La.

SHIPPED: 8-27-59, from Atlanta, Ga., by Peachtree Candy Co., Div. of Norris Candy Co.

LABEL IN PART: (Bag) "Peachtree Candies Peanut Butter Kisses [or "Lemon Curls" or "Peanut Logs"] * * * Mfd. by Peachtree Candy Co. Div. Norris Candy Co., Atlanta, Ga."

LIBELED: 10-6-59, E. Dist. La.

CHARGE: 402(a) (3)—contained insect fragments; and 402(a) (4)—prepared and packed under insanitary conditions.

DISPOSITION: 11-6-59. Default—destruction.

26039. Burgundy mix candy. (F.D.C. No. 43011. S. No. 25-050 P.)

QUANTITY: 135 cases, 24 pkgs. each, at Minneapolis, Minn., in possession of Northwest Confections, Inc.

SHIPPED: 4-1-59, from Chicago, Ill.

LABEL IN PART: (Pkg.) "Burgundy Mix * * * Distributor Red Owl Stores, Inc."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight. The article was repacked by the dealer.

LIBELED: 5-13-59, Dist. Minn.

CHARGE: 403(e) (2)—while held for sale, the article failed to bear an accurate statement of the quantity of contents.

DISPOSITION: 6-4-59. Consent—claimed by Northwest Confections, Inc., and relabeled.

26040. Chocolate-coated peanuts. (F.D.C. No. 43003. S. No. 52-186 P.)

QUANTITY: 93 cases, 24 pkgs. each, at Hopkins, Minn.

SHIPPED: 1-7-59, from Cambridge, Mass.

LABEL IN PART: (Pkg.) "Milk Chocolate Dipped Peanuts * * * Net Wt. 8¼-Oz. * * * Ingredients: Sweet Milk Chocolate (Artificially Flavored With Vanillin), Shelled Peanuts, Lecithin And Salt, Red Owl Stores, Inc., Minneapolis, Minn."

RESULTS OF INVESTIGATION: Examination showed that the article was peanuts coated with imitation milk chocolate composed of sugar, vegetable oil, skim milk powder, chocolate liquor, and emulsifiers.

The article was shipped in bulk to Minneapolis, Minn., and after receipt was repacked by Northwest Confections, Minneapolis, Minn., into the packages labeled as described above.

LIBELED: 5-11-59, Dist. Minn.

CHARGE: 403(a)—while held for sale, the label statements "Milk Chocolate Dipped Peanuts" and "Sweet Milk Chocolate" were false and misleading as applied to an article which was not coated with milk chocolate; and 403(i) (2)—the label failed to bear the common or usual name of each ingredient since "Sweet Milk Chocolate (Artificially Flavored With Vanillin)" is not the common or usual name for a coating composed of sugar, vegetable oil, skim milk powder, chocolate liquor, and emulsifiers.

DISPOSITION: 6-4-59. Consent—claimed by Northwest Confections, Inc., Minneapolis, Minn., and relabeled.

SUGAR

26041. Sugar. (F.D.C. No. 43563. S. No. 59-913 P.)

QUANTITY: 109 100-lb. bags at Baltimore, Md., in possession of Pennsylvania Railroad Co.

SHIPPED: 8-4-59, from outside the United States.

LIBELED: On or about 10-1-59, Dist. Md.

CHARGE: 402(a) (3)—contained insects and rodent excreta pellets; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 10-13-59. Consent—claimed by Lombard & Co., New York, N.Y., and re-refined.

26042. Dextrose sugar. (F.D.C. No. 42720. S. No. 48-363 P.)

QUANTITY: 39 100-lb. bags at San Francisco, Calif., in possession of R & R Sales.

SHIPPED: 11-24-58 and 12-10-58, from Kansas City, Mo.

LIBELED: 3-6-59, N. Dist. Calif.